



United States District Court
District of South Carolina

Date: August 16, 2002

Subject: Proposed Local Rule Amendments

Notice

In August 2001, the United States District Court for the District of South Carolina adopted a new local rule (5.03) which prescribes sealing of documents filed with the court except when certain strict requirements, including public notice, are met. The court now proposes to amend Local Rule 5.03¹ to clarify that settlement agreements filed with the court will not be sealed.

The proposed amendment to Local Rule 5.03 provides:

- (C) No settlement agreement filed with the court shall be sealed pursuant to the terms of this rule.

The court also proposes to amend Local Rule 83.I.05² and Local Criminal Rule 57.I.5 concerning "Appearances by Attorneys not Admitted in the District." The purpose of the proposed amendment is to conform the pro hac vice requirements for federal court practice to those of the South Carolina Supreme Court. The application fee would be raised from seventy-five dollars (\$75) to one hundred dollars (\$100.00), and an application form similar to the state court form would be required.

The proposed amendments (with forms)³ to Local Civil Rule 83.I.05 and Local Criminal Rule 57.I.5 provides:

Appearances by Attorneys Not Admitted in the District. Upon motion, any person who is a member in good standing of the Bar of a United States District Court and the Bar of the highest court of any state or the District of Columbia may be permitted to appear in a particular matter in association with a member of the Bar of this Court. A motion seeking admission under this Rule, accompanied by an Application and Affidavit setting forth the movant's qualifications for admission and the movant's agreement to abide by the ethical standards governing the practice of law in this Court, shall be submitted to this Court upon the forms prescribed by this Court. The motion shall be accompanied by an application fee of One Hundred Dollars (\$100.00). The appearance of such a person in a particular action(s) shall confer jurisdiction upon this Court for any alleged misconduct of that person in all matters related to the action(s). The Court may revoke admission under this Rule at its discretion.

You have an opportunity to comment on these proposed amendments to the Local Civil and Criminal Rules. Any modification necessary as a result of public comment will be considered after September 30, 2002, the expiration date for receiving said comments. Comments should be sent to:

Larry W. Propes
Clerk of Court
U.S. District Court
1845 Assembly Street
Columbia, South Carolina 29201

¹ The language of the current Local Civil Rule 5.03: Filing of Documents Under Seal can be viewed and downloaded from the Court's internet web site at the following link: <http://www.scd.uscourts.gov/Rules/Aug2001/CV/Ch5.pdf>

² The language of the current Local Civil Rule 83.1.05 and Local Criminal Rule 57.1.5 can be viewed and downloaded from the Court's internet web site at the following links:

- Local Civil Rule 83.1.05 --
<http://www.scd.uscourts.gov/Rules/Aug2001/CV/Ch83I.pdf>
- Local Criminal Rule 57.1.5 --
<http://www.scd.uscourts.gov/Rules/Aug2001/CR/Ch57.pdf>

³ The proposed amendments with forms can be downloaded from the Court's internet web site at the following link: <http://www.scd.uscourts.gov/notices/docs/ruleamend.pdf>